

January 19, 2022

Ms. Amanda Huebner
Administrative Assistant
Bituminous Paving, Inc.
P.O. Box 6
Ortonville, MN 56278

Re: Air Quality
Minor (Synthetic)
Permit to Operate

Dear Ms. Huebner:

Pursuant to the Air Pollution Control Rules of the State of North Dakota, the Department of Environmental Quality (Department) has reviewed your permit application dated November 29, 2021 for a portable asphaltic concrete facility.

Enclosed is a copy of the Department's draft/proposed minor (synthetic) Permit to Operate for the facility. Before making final determinations on the permit application, the Department provides for public comment by means of the enclosed public notice and provides for a concurrent 30-day Environmental Protection Agency (EPA) review. As indicated in the notice, the public comment period will begin on January 25, 2022 and end on February 23, 2022.

All comments received will be considered in the final determination concerning issuance of the permit. The Department will take final action on the permit application following the public comment period and EPA review. You will be notified in writing of our final determination.

If you have any questions, please contact me at (701)328-5260 or email jnones@nd.gov.

Sincerely,



Jordan N. Jones
Environmental Scientist
Division of Air Quality

JNJ:saj

Enc:

xc/enc: Dan Fagnant, EPA/R8 (email - fagnant.daniel@epa.gov)
Gail Fallon, EPA/R8 (email - fallon.gail@epa.gov)

NOTICE OF INTENT TO ISSUE AN
AIR POLLUTION CONTROL
SYNTHETIC MINOR PERMIT TO OPERATE

Take notice that the North Dakota Department of Environmental Quality (NDDEQ) proposes to issue a renewal Air Pollution Control Permit to Operate to Bituminous Paving, Inc. for operation of an asphaltic concrete facility in accordance with the ND Air Pollution Control Rules. The portable facility will be located at various locations throughout the state to produce asphalt concrete for road construction projects. The Bituminous Paving, Inc. mailing address is P.O. Box 6, Ortonville, MN 56278. There are no changes to emissions in the proposed permit renewal.

A thirty-day public comment period for the draft permit will begin January 25, 2022 and end February 23, 2022. Direct comments in writing to the NDDEQ, Division of Air Quality, 4201 Normandy Street, Bismarck, ND 58503-1324 or email AirQuality@nd.gov, Re: Public Comment Permit Number AOP-27036 v4.0. Please note that, to be considered, comments submitted by email must be sent to the email address listed; comments sent to any other email address **will not** be considered. Comments must be received by 11:59 p.m. central time on the last day of the public comment period to be considered in the final permit determination. A public hearing regarding issuance of the permit will be held if a significant degree of public interest exists as determined by the NDDEQ. Requests for a public hearing must be received in writing by the NDDEQ before the end of the public comment period.

The notice, draft permit and application are available for review at the NDDEQ Division of Air Quality address and on the Division of Air Quality website at <https://deq.nd.gov/AQ/PublicCom.aspx>. A copy of these documents may be obtained by writing to the Division of Air Quality or contacting Jordan Jones at (701)328-5260 or emailing jnjones@nd.gov.

Dated this 19TH day of January 2022

James L. Semerad
Director
Division of Air Quality

AIR POLLUTION CONTROL
MINOR SOURCE
PERMIT TO OPERATE

Pursuant to Chapter 23.1-06 of the North Dakota Century Code (NDCC), and the Air Pollution Control Rules of the State of North Dakota, and in reliance on statements and representations heretofore made by the permittee designated below, a Permit to Operate is hereby issued authorizing such permittee to operate the source unit(s) at the location designated below. This Permit to Operate is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department) and to any conditions specified below:

1. Permittee: A. Name: Bituminous Paving, Inc. B. Address: P.O. Box 6 Ortonville, MN 56278	2. A. Permit Number: AOP-27036 v5.0 B. Permit Description: Synthetic Minor Source: NDAC 33.1-15-14-03.1.e
3. Source Name & Location: Plant 3 Portable	4. Source Type: Asphaltic Concrete Plant (NSPS Subpart I)
5. Expiration Date: <div style="text-align: right;">February 25, 2027</div>	
6. Source Unit(s):	

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Barber Green dryer-drum mixer rated at 300 tons/hr, equipped with a Gencor burner rated at 119×10^6 Btu/hr	1	1	Baghouse
Diesel engine-driven electrical generator set rated at 500 bhp	2	2	None

CONDITIONS

7. A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item 6 of this Permit to Operate (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant/Parameter	Emission Limit
Dryer-drum mixer	1	1 ^A	PM	0.04 gr/dscf ^B
			SO ₂	3.0 lb/10 ⁶ Btu
			Opacity	20%
Diesel engine-driven electrical generator set	2	2	Opacity	20% ^C

^A The stack height of the pollution control device for Emission Unit 1 shall be at least 24 feet above ground level.

^B Emission Unit 1 is also subject to the applicable mass emission rates (lb/hr) specified in Chapter 33.1-15-05 of the North Dakota Air Pollution Control Rules.

^C 40% opacity is permissible for not more than one six-minute period per hour.

B. Process Restrictions: For all operations, total production is limited to 500,000 tons in any 12-month period (12-month rolling total). This permit allows operations involving the production of virgin asphalt. In addition, production of mixes containing no more than 20% reclaimed asphalt pavement (RAP) may be produced for dryer-drum equipped with a center feed ring and controlled by a baghouse or venturi wet scrubber. Prior approval from the Department must be obtained before initiating operations with mixes containing more than 20% RAP.

C. Fuel Restriction:

1) Burner fuel for the dryer (EU 1) is limited to natural gas, propane, distillate oil, residual oil and used oil.

2) The generator set (EU 2) is restricted to combusting only distillate oil containing no more than 0.0015 percent sulfur by weight.

D. Used Oil and Residual Oil Fuel Setback Restrictions: Used oil, as defined in NDAC Section 33.1-24-05-600 through 33.1-24-05-699, and residual oil is approved for use as fuel for the dryer burner subject to compliance with the following setback conditions. For the purpose of determining compliance, the distance shall be measured from the exhaust stack for the wet scrubber or baghouse to the nearest occupied building or residence. The following table indicates proper offset distances in accordance with stack heights.

Setback Distances for Baghouse Controlled Plants*			
Stack Height (ft)	Residual Oil	Used Oil	Natural Gas, Propane & Distillate Oil
20	600 yards	300 yards	N/A
25	550 yards	250 yards	N/A
30	450 yards	200 yards	N/A
35	200 yards	200 yards	N/A

* Setback distances are the minimum distance the dryer stack can be located to any occupied building or residence.

E. Used Oil Properties: Laboratory analysis must meet the criteria for "specification" used oil in accordance with NDAC Sections 33.1-24-05-600 through 33.1-24-05-699 as listed below.

<u>Constituent/Property</u>	<u>Maximum Allowable Level*</u>
As, Arsenic	5 ppm
Cd, Cadmium	2 ppm
Cr, Chromium	10 ppm
Pb, Lead	100 ppm
PCBs	<2 ppm
HCl, Hydrogen Chloride (Halogens)	1000 ppm
Flash Point	100°F Minimum

* 1 ppm = 1 mg/Kg = 1 µg/g

F. Special Conditions for Burning Used Oil:

- 1) The permittee shall demonstrate, by a documented laboratory analysis, that the used oil fuel being burned, or to be burned, is in compliance with the applicable plant/stack site location restrictions. Such analyses shall be available for inspection at the plant site.
- 2) The permittee shall maintain invoice records of used oil fuel received from marketers or suppliers for a minimum of five years.
- 3) The permittee who burns used oil for energy recovery purposes shall comply with all applicable State Rules and Federal Regulations pertaining to used oil burning activities associated with the plant.

G. New Source Performance Standards (NSPS): The permittee shall comply with all applicable requirements of the following NSPS subparts as referenced in Chapter 33.1-15-12 of the North Dakota Air Pollution Control Rules and 40 CFR 60.

- 1) 40 CFR 60, Subpart I – Standards of Performance for Hot Mix Asphalt Facilities as incorporated into NDAC 33.1-15-12.

H. Odor Restrictions: The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33.1-15-16.

I. Posting of Permit: A copy of this permit shall be posted in the control room of the plant.

J. Operation of Air Pollution Control Equipment: The permittee shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

K. Source Operations: Operations at the facility shall be in accordance with statements, representations, procedures and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.

L. Fugitive Emissions: The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17.

M. Air Pollution from Internal Combustion Engines: The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01 – Internal Combustion Engine Emissions Restricted.

- N. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- O. **Monitoring and Recordkeeping:** The permittee shall record the tons of asphalt concrete produced each month and determine the total tons of asphalt concrete produced during the previous 12-month period. Any time the amount of asphalt concrete produced during the last 12-month period exceeds the allowable limit, the permittee shall notify the Department within 10 working days. The records regarding the amount of production shall be retained for five years and submitted to the Department upon request.
- The sulfur content of any liquid burner fuel used shall be analyzed with each shipment. The sulfur analysis for the fuel may be conducted by the permittee or by the source where the fuel is purchased. If fuel supplier certification for sulfur content is used, the permittee shall obtain a written statement from the supplier which includes the name of the supplier and the sulfur content of the fuel. The permittee shall maintain records of all fuel purchased and average sulfur content of the fuel for a period of five years. The permittee shall report the fuel use and sulfur content to the Department upon request.
- P. **Annual Emission Inventory/Annual Production Reports:** The permittee shall submit an annual emission inventory report and/or an annual production report upon Department request, in a format provided or approved by the Department.
- Q. **Malfunction Notification:** The permittee shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.
- R. **Change of Status Notification:** The permittee shall notify the Department as to the approximate starting date and location of all projects involving the production of asphalt concrete in the State of North Dakota. A subsequent change in location or operating status is to be reported to the Department within 48 hours of the change in a format provided or approved by the Department. Locations should be selected that will minimize any adverse effects of plant operations on nearby houses/residences.
- S. **Alterations or Changes in Operation or Location:** Any alteration, rebuilding, repairing, expansion, or change of location of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, rebuilding, repairing, expansion, change in the method of operation, or change of location.
- T. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- U. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Environmental Quality may enter and inspect any property, premise or place at which the source listed in Item 3 of this permit is located at any time for the purpose of ascertaining the state of

compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.

- V. **Permit Renewal and Invalidation:** This permit shall be effective from the date of its issuance until the date specified in Item 5 unless sooner suspended, revoked or surrendered. Upon suspension or revocation, the permit shall be returned to the Department. Application for renewal of this permit shall be submitted ninety days prior to such expiration date. The Department shall approve or disapprove the renewal of the permit within ninety days of receipt of the renewal application.
- W. **Other Regulations:** The permittee of the source unit(s) described in Item 6 of this permit shall comply with all State and Federal environmental laws and rules. In addition, the permittee shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- X. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. The conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23.1-06. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- Y. **Sampling and Testing:** The Department may require the permittee to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the permittee shall follow the procedures and formats in the Department's Emission Testing Guideline.

FOR THE NORTH DAKOTA DEPARTMENT
OF ENVIRONMENTAL QUALITY

Date _____

By _____
James L. Semerad
Director
Division of Air Quality